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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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23386	7590	06/15/2005	EXAMINER	
MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			CHANG, SHIRLEY	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,192	LABEEB ET AL.	
	Examiner	Art Unit	
	Shirley Chang	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-23 is/are pending in the application.
 - 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-23 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: ____ . |

Claim Rejections - 35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Zigmond et al. (6,698,020).

As to claim 1, the claimed "receiving a plurality of TV programs" and "allowing the viewer to select one of the plurality of received TV programs for viewing" is disclosed by Zigmond et al. wherein the television receives a plurality of TV programs and allows the viewer to select one of the programs (column 7, lines 13-36), wherein "the user may be presented with multiple ads (or "programs") and asked to select one for viewing" (column 9, lines 21- 31). The claimed "responding to viewer selection by controlling the programming displayed to the viewer in accordance with the viewer selection and with previously determined viewing preferences of the viewer" is met wherein the reference teaches that 'advertisements to be shown to a viewer are selected according to designated criteria (claimed "responding to viewer selection by controlling the

programming displayed to the viewer") in combination with information that characterizes the viewer (claimed "previously determined viewing preferences of the viewer"), the content of video programming feed (claimed "in accordance with the viewer selection"), and the geographical location of the household' (column 6, lines 6-9).

As to claim 2, the claimed "displaying the viewer selected program and additional programs selected in accordance with the previously determined viewing preferences of the viewer" is met as disclosed by Zigmond et al, wherein 'viewers change the television channel to tune into channels that are broadcasting programming' (column 13, lines 12-19) (claimed "viewer selected program"), and 'advertisements to be shown to a viewer are selected according to designated criteria in combination with information that characterizes the viewer (claimed "previously determined viewing preferences of the viewer") (column 6, lines 6-9), which are displayed on display [61], Figure 3 and display [58], Figure 4.

As to claim 3, the claimed "displaying one or more advertisements" is met since 'the user may select one of a plurality of ads' that 'the user is presented with' (column 9, lines 30-31).

As to claim 4, the claimed "receiving a plurality of additional programs" is met as discussed in claim 3, since displaying a plurality of advertisements or "additional programs" requires the receiving of the additional programs.

As to claim 5, the claimed "selecting one or more of the received additional program in accordance with the previously determined viewing preferences of the viewer for display to the viewer" is disclosed by Zigmond et al., wherein 'the user may

select one of a plurality of ads' that 'the user is presented with' (column 9, lines 30-31), wherein the 'ads or "additional programs" to be shown to a viewer are selected according to designated criteria in combination with information that characterizes the viewer' (claimed "previously determined viewing preferences of the viewer") (column 6, lines 6-9).

As to claim 6, the claimed "receiving the plurality of programs through one or more broadcast televisions, cable television networks, computer networks, or telephone networks" is disclosed by Zigmond et al. wherein 'programming is transmitted via any suitable program delivery channel, such as an over-the-air broadcast, a cable provider, a consumer satellite service, telephone lines, via the Internet, or by any other system for transmitting video data' (column 7, lines 17-21).

As to claim 7, the claimed "receiving the additional programs independently of the TV programs" is met as shown in figure 4, wherein ad source 62 or "additional programs" and programming source [66] or "or TV programs" are each received independently through streams [64] and [52] respectively.

As to claim 8, the claimed "receiving the plurality of TV programs on a first set of TV channels" and "receiving the plurality of additional programs on a second set of TV channels" is disclosed by Zigmond et al. wherein "advertisement stream 64 may be broadcast on a dedicated channel during a late night period of time when relatively few viewers are watching television" TV programs are on a different channel (column 18, lines 10-15).

As to claim 9, Zigmond et al. disclose “multiplexing advertisement stream 64 into video programming feeds 38 and 39,” (column 18, lines 20-21) which meets the claimed “receiving the additional programs multiplexed with one or more of the TV programs.”

As to claim 10, the claimed “storing the received additional programs for subsequent display to the viewer” is met by “a local repository having stored therein a plurality of advertisements, from which an advertisement stream 64 is delivered to the ad insertion device” (column 8, lines 2-7), which is later displayed on display [58].

As to claim 11, the claimed “displaying the viewer selected program and additional programs selected in accordance with the previously determined viewing preferences of the viewer from among the stored additional programs” is disclosed by Zigmond et al. wherein ‘viewers change the television channel to tune into channels that are broadcasting programming’ (column 13, lines 12-19) (claimed “viewer selected program”) and “a device such as advertisement repository 86 of FIG. 5 may be used to store the transmitted advertisements for later selection and display” (column 18, lines 1-11).

As to claim 12, the claimed “receiving a plurality of additional programs including targeting parameters related to the previously determined viewing preferences of the viewer” is disclosed by Zigmond et al. wherein the “plurality of additional programs” are met as discussed in claim 4, and wherein “The viewer and system information may include data provided by the viewer upon initiation of the services provided by the ad

insertion device 80, such as a voluntary survey or questionnaire filled out during the registration process" (column 10, lines 36-48).

As to claim 13, the claimed "targeting parameters include one or more of TV viewing preferences, demographic information, and additional program display schedule information" is disclosed by Zigmund wherein 'advertisements to be shown to a viewer are selected according to designated criteria in combination with information that characterizes the viewer (claimed "viewing preferences"), the content of video programming feed (claimed "additional program display schedule information"), and the geographical location of the household' (claimed "demographic information") (column 6, lines 6-9). Furthermore, "viewer demographic data may be stored in storage location 82, including age, sex, income, preferred language, number of residents, or similar information (claimed "demographic information") (column 10, lines 48-54). Also, "the advertisement parameters include, for example, a description of the content of the advertisement, codes that identify the subject matter of the advertisement, or other mechanisms for characterizing the advertisement so that the advertisement may be displayed to an appropriate segment of the viewing population...the ad selection rules used to match the viewer and system information of storage location 82 or the programming content information of electronic program database 81 with the advertisement parameters associated with the advertisements" (claimed "additional program display schedule information") (column 11, lines 31-49).

With respect to claims 14-23, the receiving of data as specified in claims 1-13 require the transmission of said data.

As to claim 14, the claimed "transmitting a plurality of TV programs..." is disclosed by Zigmond et al. as discussed in claim 1 since the programs that were received require transmission; "transmitting a plurality of additional programs...with previously determined viewing preferences of the viewer" is met as discussed in claims 4 and 1 since the programs that were received require transmission. Zigmond et al. disclose the claimed "the selected additional programs for display to the viewer with the selected TV program" as discussed in claim 2.

As to claim 15, the claimed "transmitting a plurality of additional programs independently of the TV programs" is disclosed by Zigmond et al. met since the additional programs that were received independently of TV programs require transmission as discussed in claim 7.

As to claim 16, the claimed "transmitting a plurality of advertisements" is disclosed by Zigmond et al. since the plurality of advertisements received require transmission as discussed in claim 3.

As to claim 17, Zigmond et al. disclose the claimed "transmitting the plurality of programs" since the "the plurality of programs..." received require transmission as discussed in claim 6.

As to claim 18, the claimed "transmitting a plurality of additional programs independently of the TV programs" is disclosed by Zigmond et al. met since the additional programs that were received independently of TV programs require transmission as discussed in claim 7.

As to claim 19, the claimed "transmitting the plurality of TV programs...and additional programs on a second set..." is disclosed by Zigmond et al. met since the programs that were received on different sets of TV channels require transmission as discussed in claim 8.

As to claim 20, the claimed "transmitting the additional programs multiplexed..." is disclosed by Zigmond et al. met since received additional multiplexed programs require transmission as discussed in claim 9.

As to claim 21, the claimed "transmitting a plurality of additional programs..." is disclosed by Zigmond et al. met since the additional programs that were received require transmission as discussed in claim 11.

As to claim 22, the claimed "transmitting a plurality of additional programs including targeting parameters..." is disclosed by Zigmond et al. met since the plurality of additional programs including targeting parameters received require transmission as discussed in claim 12.

As to claim 23, the claimed "targeting parameters..." is met as discussed in claim 13.

Contact Information

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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JOHN MILLER
SUPervisory Patent Examiner
Technology Center 2600